

House File 209 - Introduced

HOUSE FILE 209

BY WINDSCHITL

A BILL FOR

1 An Act relating to physical defense training and firearms
2 training including the creation of a domestic abuse assault
3 fund, and providing for a sales tax refund and a fee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 423.4, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9. A person in possession of a certificate
4 of completion of a self-defense training course issued pursuant
5 to section 724.9A may apply to the director for a refund of
6 the amount of sales tax imposed and paid upon purchases of
7 self-defense items and firearms by the applicant as provided
8 in section 724.9A.

9 Sec. 2. Section 602.8102, subsection 135A, Code 2011, is
10 amended to read as follows:

11 135A. Assess the surcharges provided by sections 911.1,
12 911.2, 911.3, ~~and~~ 911.4, and 911.5.

13 Sec. 3. Section 602.8108, subsection 2, Code 2011, is
14 amended to read as follows:

15 2. Except as otherwise provided, the clerk of the district
16 court shall report and submit to the state court administrator,
17 not later than the fifteenth day of each month, the fines and
18 fees received during the preceding calendar month. Except as
19 provided in subsections 3, 4, 5, 7, 8, 9, ~~and~~ 10, and 11, the
20 state court administrator shall deposit the amounts received
21 with the treasurer of state for deposit in the general fund of
22 the state. The state court administrator shall report to the
23 legislative services agency within thirty days of the beginning
24 of each fiscal quarter the amount received during the previous
25 quarter in the account established under this section.

26 Sec. 4. Section 602.8108, Code 2011, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 11. The clerk of the district court
29 shall remit all moneys collected from the domestic abuse
30 assault surcharge provided in section 911.5 to the state court
31 administrator no later than the fifteenth day of each month for
32 deposit in the domestic abuse assault fund created in section
33 708.2D.

34 Sec. 5. NEW SECTION. **708.2D Domestic abuse assault fund.**

35 A domestic abuse assault fund is established as a separate

1 fund in the state treasury. Moneys deposited in the fund shall
2 be administered by the department of justice and dedicated and
3 used for purposes of funding the self-defense training course
4 in section 724.9A.

5 **Sec. 6. NEW SECTION. 724.9A Self-defense training course —**
6 **sales tax refund for self-defense items.**

7 1. A self-defense training course consisting of physical
8 defense training and firearms training shall be offered by
9 the county sheriff to all county residents who have been
10 victims of domestic abuse, who have been granted a protective
11 order or a no-contact order, or who, in the discretion
12 of the county sheriff, would otherwise benefit from such
13 training. The sheriff shall notify shelter services and other
14 support services provided to victims of domestic abuse of the
15 availability of such training. The training course shall be
16 offered at no cost to all eligible participants.

17 2. Upon successful completion of such a course, the county
18 sheriff shall issue a participant a certificate of completion
19 allowing such person to apply to the department of revenue
20 pursuant to section 423.4 for a sales tax refund on purchases
21 of self-defense items and firearms made by the participant
22 within ninety days from the issuance of the certificate.

23 **Sec. 7. Section 903.1, subsection 4, Code 2011, is amended**
24 **to read as follows:**

25 4. The surcharges required by sections 911.1, 911.2, 911.3,
26 ~~and 911.4,~~ and 911.5 shall be added to a fine imposed on a
27 misdemeanor as provided in those sections, and are not a part
28 of or subject to the maximums set in this section.

29 **Sec. 8. NEW SECTION. 911.5 Domestic abuse assault**
30 **surcharge.**

31 1. In addition to any other surcharge, the court or clerk
32 of the district court shall assess a domestic abuse assault
33 surcharge of five hundred dollars if an adjudication of
34 guilt or a deferred judgment has been entered for a criminal
35 violation of section 708.2A.

1 2. In the event of multiple offenses, the surcharge shall be
2 imposed for each applicable offense.

3 3. The surcharge shall be remitted by the clerk of court as
4 provided in section 602.8108, subsection 11.

5 EXPLANATION

6 This bill relates to physical defense training and firearms
7 training including the creation of a domestic abuse assault
8 fund and providing for a sales tax refund and a fee.

9 The bill creates a self-defense training course consisting
10 of physical defense training and firearms training to be
11 offered by the county sheriff to all county residents who
12 have been victims of domestic abuse, who have been granted
13 a protective order or a no-contact order, or who, in the
14 discretion of the county sheriff, would otherwise benefit from
15 such training. The sheriff is required to notify shelter
16 services and other support services provided to victims of
17 domestic abuse of the availability of such training. The
18 training course shall be offered at no cost to all eligible
19 participants. Upon successful completion of the course, the
20 county sheriff is required to issue a participant a certificate
21 of completion allowing the person to apply to the department
22 of revenue for a refund of the amount of sales tax imposed and
23 paid upon purchases of self-defense items and firearms by the
24 participant.

25 The bill establishes a domestic abuse assault fund as a
26 separate fund in the state treasury and provides that moneys
27 deposited in the fund shall be administered by the department
28 of justice and dedicated and used for purposes of funding the
29 self-defense training course.

30 The bill establishes a domestic abuse assault surcharge of
31 \$500 to be assessed by the court or the clerk of the district
32 court if an adjudication of guilt or a deferred judgment has
33 been entered for the crime of domestic abuse assault pursuant
34 to Code section 708.2A. In the event of multiple offenses, the
35 surcharge shall be imposed for each applicable offense. The

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1 surcharge shall be remitted by the clerk of court to the state
2 court administrator for deposit in the domestic abuse assault
3 fund created in the bill. This surcharge shall be added to a
4 fine imposed on a misdemeanor and is in addition to any other
5 applicable surcharges imposed.